

**REMARKS**

The Office action of August 25, 2004 has been received and its contents carefully noted.

Claims 1-19 are pending in the application. Claims 1-2, 4, 6, 10, and 12 have been amended. Also, Claims 3, 9, and 13 have been rewritten in independent form, incorporating all the features of the base claim and any intervening claim, and therefore should be deemed allowable in accordance with the Action.

Claims 1, 4, 6, 10-11, and 14-19 stand rejected under 35 U.S.C. § 102(a and e) as being unpatentable over Wasilewski et al. ("Wasilewski") (U.S. Patent No. 6,157,719). Claims 5, and 7-8 stand rejected under § 103(a) as being unpatentable over Wasilewski in view of Andrew et al. ("Andrew") (GB 2297017). Applicants respectfully traverse these rejections, and requests allowance thereof in the continuation prosecution application for the following reasons.

**Substance of the Interview**

Applicants greatly appreciate the courtesy extended by the Examiner during the Interview on September 29, 2004. Applicants' representative and Examiner discussed the allowability of independent claim 1 and dependent claim 2. Examiner maintained the current claim rejections and discussed the particular distinguishable features of the objected claims, including claim 2,

noted in the latest Office Action. Examiner reiterated that objected claims 2-3, 9, and 12-13 would be allowable if rewritten in independent form as noted in the latest Office Action. Applicants' representative discussed proposed amendments to claim 1 and dependent claim 2. Examiner tentatively agreed that amendments would distinguish currently cited art, but may raise new issues requiring further search and/or consideration. Examiner suggested filing RCE to continue prosecution with proposed amendments, and Applicants' representative agreed to consider Examiner's suggestions.

**The Claims are Patentable Over the Cited References**

**Claims 1, 4, 6, 10-11, and 14-19 are not anticipated by Wasilewski**

Claims 1, 4, 6, 10-11, and 14-19 stand rejected under § 102(a and e) in view of Wasilewski. Wasilewski fails to disclose the features recited in these claims as amended such as an ECM decryption section for decrypting the ECM using work keys and for intermittently retrieving scrambling keys from the ECM, a media descrambling section for intermittently descrambling the coded media data using the scrambling keys, or a decoding section for intermittently decoding the coded media data descrambled by said media data descrambling section, based on receiving control information to alternately enable and disable decrypting, descrambling, or decoding, when the partial viewing authorization retrieved by said ECM decryption section permits partial viewing.

Wasilewski does not teach nor suggest intermittently decrypting, descrambling, or decoding from receiving control information to alternately enable and disable decrypting, descrambling, or decoding, when partial viewing authorization permits partial viewing. In contrast, Wasilewski provides continuous decrypting, descrambling, and decoding as performed by the set-top box 113 for encrypted programs (instance) received from the broadcast system for those subscribers entitled to watch the program (advance authorization for full viewing of the broadcast program). (see FIG. 1; col. 4, lines 52-67; col. 5, lines 1-6).

Specifically, Wasilewski states that "...if the authorization information 121 indicates that the subscriber is entitled to watch the program of encrypted instance 105, control word generator 119 uses the key together with information from ECM 107 to generate control word 117..." (see FIG. 1; col. 4, lines 58-62). Further, Wasilewski states that "...the authorization information used in a particular set top box 113(i) is obtained from one or more entitlement management messages (EMM) addressed to set top box 113(i)...subscribers generally purchase services by the month (though a service may be one-time event), and after a subscriber has purchased a service, service distribution organization 103 sends set top box 113(i) belonging to the subscriber entitlement management messages 111 as required to provide the authorization information 121 required for the purchased services." (see FIG. 1; col. 4, lines 64-67; col. 5, lines 1-6).

Further, Wasilewski does mention that the ECM may contain a free preview flag 2219 indicating that the ECM accompanies a portion of the service instance (program) that is a free preview. (see FIG. 22; col. 36, lines 3-8). However, this free preview is a portion of the encrypted service instance and can be viewed as part of the regular, continuous decrypting, descrambling, and decoding process performed by the set-top box 113 in Wasilewski in contrast to intermittent decrypting, based on receiving control information to alternately enable and disable decrypting, when partial viewing is permitted as recited.

Specifically, Wasilewski states that "...free preview 2219 is a flag that indicates that the ECM is accompanying a portion of the service instance that is a free preview...that is, as long as a customer has the MSK for decrypting the service instance, the customer needs no further entitlements to view the free preview portion of the service." (see FIG. 22; col. 36, lines 3-8).

Wasilewski allows continuous viewing (decoding) of the free preview program (instance) as part of basic, continuous decrypting performed for any received, encrypted service program which is significantly distinct from intermittent decrypting or decoding, based on receiving control information to alternately enable and disable decrypting or decoding, when partial viewing is permitted as recited. Wasilewski makes completely no mention of receiving control information to alternately enable and disable encrypting as recited, and instead regularly, continuously decrypts any service

instance received including a service instance including a free preview portion.

Wasilewski fails to disclose the recited features of an ECM decryption section for decrypting the ECM using work keys and for intermittently retrieving scrambling keys from the ECM, a media descrambling section for intermittently descrambling the coded media data using the scrambling keys, or a decoding section for intermittently decoding the coded media data descrambled by said media data descrambling section, based on receiving control information to alternately enable and disable decrypting, descrambling, or decoding, when the partial viewing authorization retrieved by said EMM decryption section permits partial viewing making the claimed invention patentably distinct and non-obvious from this reference.

**Claims 5, and 7-8 are not made obvious by Wasilewski and Andrew**

Claims 5, and 7-8 stand rejected under § 103(a) in view of Wasilewski and Andrew. As contended above, Wasilewski fails to disclose the features recited in these claims as amended such as a media descrambling section for intermittently descrambling the coded media data using scrambling keys or a decoding section for intermittently decoding the coded media data descrambled by said media data descrambling section, based on receiving control information to alternately enable and disable descrambling or decoding, when the partial viewing authorization retrieved by said

EMM decryption section permits partial viewing.

As contended above, Wasilewski does not teach nor suggest this patentably distinct feature as in contrast Wasilewski provides continuous descrambling/decoding when receiving a service instance (program) including when receiving a service instance including a free previous portion. Further, Andrew makes no mention of this recited feature as Andrew solely discloses an encryption method for television services.

Wasilewski and Andrew, either alone or in combination, fail to disclose the recited features making the claimed invention patentably distinct and non-obvious from the cited references.

#### Conclusion

In view of the amendments and remarks submitted above, it is respectfully submitted that all of the remaining claims are allowable and a Notice of Allowance is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayments to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

The Examiner is invited to contact the undersigned at (703)  
205-8000 to discuss the application.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

*C.D.*  
by   
Michael R. CAMMARATA, Reg.#39,491

MRC/CAG:tm  
1163-0286P

P.O. Box 747  
Falls Church, VA 22040-0747  
Phone: (703) 205-8000